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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2006_1143A
Ryosuke NISHIDA et al. : **Confirmation No. 4981**
Serial No. 10/587,147 : Group Art Unit 1791
Filed July 24, 2006 : Examiner Dennis R. Cordray
MOISTURE ABSORPTIVE AND : **Mail Stop: AMENDMENT**
DESORPTIVE PAPER AND A METHOD
FOR MANUFACTURING THE SAME

REQUEST FOR NEW OFFICE ACTION AND
RESETTING DATE FOR RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Action mailed May 21, 2010 fails to account for the claim amendments filed May 14, 2010, which include an amendment to claim 11 in response to the rejection of this claim under the first paragraph of 35 U.S.C. §112. Page 2 of the Office Action refers to Applicants' submission filed on February 24, 2010, but not the submission filed May 14, 2010. On page 2 of the Office Action, the Examiner repeats the rejection of claim 11 under the first paragraph of 35 U.S.C. §112 based on the term "impregnated", but this term was replaced by "treated" in the Amendment of May 14, 2010. So it is apparent that the Examiner has not acted on the claims as set forth in the Amendment of May 14, 2010, as a result of which Applicants request a new Office Action acting on those claims.

Applicants also request that the date for filing a response be reset to expire three months from the mailing date of the new Office Action.

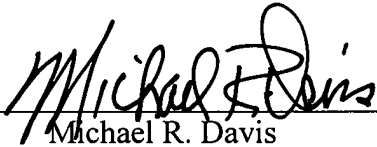
Furthermore, referring to the Substance of Interview section on page 4 of the Amendment filed May 14, 2010, during a telephone discussion with the Examiner on May 10, 2010, the Examiner indicated that he would wait until the middle of June before again acting on the application, giving Applicants the opportunity to file an amendment and a Rule 132 Declaration

by that time. The Office Action was issued May 21, 2010, thus substantially cutting short the time for filing the amendment and Rule 132 Declaration agreed to by the Examiner. Applicants are enclosing the Rule 132 Declaration herewith, and request that the Examiner take this Declaration into account when issuing the new Office Action. The Declaration directly impacts the rejections set forth in the current Office Action.

Respectfully submitted,

Ryosuke NISHIDA et al.

By



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June 7, 2010



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DECLARATION UNDER 37 CFR 1.132

I, Ryosuke NISHIDA, declare that I am a citizen of Japan, and my address is
122-2, Haji, Osafune-cho, Setouchi-shi, Okayama 7014264, Japan;

That my education and employment history is as follows:

I was graduated in March, 1983 from Okayama University, Faculty of
Engineering, Department of Synthetic Chemistry, Okayama, Japan;

I was graduated in March, 1985 from Okayama University, Graduate School of
Engineering, Okayama, Japan;

I was graduated in March, 2001 from Okayama University, Graduate School of
Natural Science and Technology, PhD course, Okayama, Japan;

I was employed in April, 1985 by JAPAN EXLAN COMPANY LIMITED, and
have been working on chemistry;

That the following argument was conducted under my supervision:

<Argument on Lack of Motive in Nishida et al '265>

In this report, I will explain the reasons why Nishida et al '265 do not provide sufficient motive to use water having as few non-potassium cations as possible when making the moisture-absorptive and desorptive paper which comprises the moisture-absorptive and desorptive polymer.

Nishida et al '265 and Lorah et al never take into account the fact that cations exist in water used for making the moisture-absorptive and desorptive paper which comprises the moisture-absorptive and desorptive polymer. Also, these references never disclose descriptions concerning thereon. That is, Nishida et al '265 and Lorah et al have no interest on the existence of cations in said water. Therefore, from these references, it is impossible to obtain a motive to use water having as few non-potassium cations as possible when making the moisture-absorptive and desorptive paper which comprises the moisture-absorptive and desorptive polymer.

As pointed out by the Examiner, in column 4, lines 28-30 of Nishida et al '265, there is a description "... the best result is available when all carboxyl groups contained in the polymer are changed to potassium type." However, considering other descriptions in Nishida et al '265, it is clear that Nishida et al '265 do not provide a motive to use water having as few non-potassium cations as possible when making the moisture-absorptive and desorptive paper which comprises the moisture-absorptive and desorptive polymer.

Firstly, immediately after the above description (i.e. in column 4, lines 30-40), it is described that carboxyl groups having other alkaline metals such as Li, Na, Rb and Cs and so on as counter cations may coexist upon necessity, and that, in view of the moisture-absorbing and desorbing rates, the ratio of potassium ion to other ions in the total carboxyl group is preferably 40% or more, more preferably 60% or more. These descriptions refer to intentional co-use of cations other than potassium in large amount in polymer preparation process. Considering these descriptions, it is clear that the above description "... the best result is available when all carboxyl groups contained in the polymer are changed to potassium type" refers to the consideration when designing the moisture-absorptive and desorptive polymer, not to the consideration on water used for polymerization.

Secondly, Nishida et al '265 disclose that sodium alginate or aluminum sulfate may be used as a fixing agent in paper-making process (please see column 8, lines 31-36), and that anionic type surface-active agent may be used as a surface-active agent (please see column 8, lines 41-43). From these compounds, cations other than potassium ion will generate. However, Nishida et al '265 neither disclose nor suggest that use of these compounds in paper-making process results in lowering of moisture-absorbing and desorbing rate of the obtained paper.

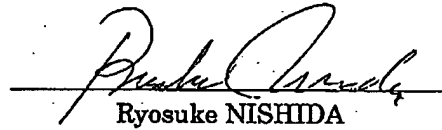
From the above descriptions of Nishida et al '265, the description "... the best result is available when all carboxyl groups contained in the polymer are changed to potassium type" pointed out by the Examiner merely mean that, in designing the moisture-absorptive and desorptive polymer, a higher moisture-absorbing and

desorbing rate can be achieved when only potassium ion is selected as the salt type of carboxyl group compared with the case wherein other cations such as Li and Na are selected in addition to potassium ion. The above description pointed out by the Examiner never suggests that moisture-absorbing and desorbing property of the obtained paper is greatly influenced by minor amount of cations other than potassium ion which cations have been incorporated when making the moisture-absorptive and desorptive paper which comprises the moisture-absorptive and desorptive polymer without intention.

As fully discussed hereinabove, Nishida et al '265 never take into account the fact that cations exist in water used for making the moisture-absorptive and desorptive paper which comprises the moisture-absorptive and desorptive polymer, and that moisture-absorbing and desorbing property of the obtained paper is greatly influenced by minor amount of cations other than potassium ion existing in said water. Therefore, Nishida et al '265 do not provide sufficient motive to use water having as few non-potassium cations as possible when making the moisture-absorptive and desorptive paper which comprises the moisture-absorptive and desorptive polymer.

The undersigned declares that all statements made herein of my own knowledge are true and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 4th day of June, 2010


Ryosuke NISHIDA